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THE POLITICAL STATUS

OF

PORTO RICO

BY

HON. FEDERICO DEGETAU

Resident Commissioner from Porto Rico to the United States

WASHINGTON
GLOBE PRINTING COMPANY
1902

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13 Oct. 1902 W.C.W.

LECTURE

DELIVERED AT THE

School of Comparative Jurisprudence and
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FEBRUARY 14, 1902.

Mr. Dean, Ladies and Gentlemen:

An American-born citizen who once occupied a high official position in the Government of Porto Rico, speaking recently of the current errors in Porto Rican matters, assigned as a reason for them the idea of many persons here who believe that, as affects public life, the "Island sprung from the ocean just on the eve of the landing of American troops." If we consider in many reports and speeches the absence of any concrete reference to our institutions, our laws, and our insular literature, we shall be tempted to think that that statement is entirely correct. Sometimes you find the most erroneous affirmations concerning Porto Rico, of which the author does not care to give the proof. In some cases a serious consideration of the figures, or of the data which later appears in the same report, demonstrates the contrary of what has been given as a dogmatic conclusion. But of the readers, or hearers, how many take the pains to analyze and verify every point, to reach by themselves a safer conclusion, when previously a trustworthy person has already done for them that labor?

Such a situation of things reveals the need of the most authentic information possible, in order to form a more exact idea of the problems that we are compelled to solve. For that reason I have accepted with great pleasure the kind invitation with which I have been honored by the faculty of the School of Comparative Jurisprudence and Diplomacy to speak to you about the political status of Porto Rico. It was my purpose to consider first the political status of the island as a part of the Spanish Nation and then as a territory or an "appurtenant territory" of the American Nation; to study how my native country was politically established under an European monarchy, and how it is temporarily organized by the glorious young Republic founded upon the Declaration of Independence—upon the declaration of human rights in protest against the misrule of another European monarchy. But, in view of the difficulty of treating in a single lecture the whole subject, I will limit, to-day, my efforts to give you an idea of the political status of Porto Rico prior to its annexation to the United States.

Before beginning the subject proper, allow me to present to you some historical data to orient ourselves and dispel the error denounced by the gentleman to whom I have alluded at the beginning.

As is well known, the daring navigator, Christopher Columbus, discovered the Island of Porto Rico on the 19th day of November, 1493, in his second trip, five years before he discovered the mainland and four years before John Cabot, a citizen of the Venetian Republic, reached the northern part of the continent. After another trip of Ponce de Leon to the Island, Juan Ceron was appointed by the Admiral Diego de Colon, Governor of that Antille, and went to exercise his functions in 1509. Ceron was substituted the next year by Ponce de Leon, appointed Governor by the King of Spain.

Ponce de Leon, the impetuous and gallant soldier, proved a despotic and arbitrary ruler, and the King, in view of the statements of his accusers, after a solemn trial, in which both parties were heard, dismissed him, notwithstanding the acknowledgment of the services that his intrepidity had rendered to the Crown of Spain and to the cause of civili-

zation and Christianity. I employ these last words not without certain mental reserve, because I do not share the views, on some fundamental points, of the statesmen of that time, maintained nowadays by great numbers of the conquerors and colonizers in the highest civilized countries.

When Ponce de Leon, deprived of his position as Governor, prepared in the city of San German (in the western part of the Island) his expedition to discover Florida, looking for the fountain of eternal youth (1512), Porto Rico already had her Government installed, with special instructions for the Christian education of the natives, and principally of the children; its hospitals; its bishopric established, and its commercial and political liberties and privileges, granted by the Crown, equal to those of the Española. Among those privileges, one was to send "Procuradores" (representatives) to the court of Spain. I will cite a curious instance. One of these "procuradores," Pedro Moreno, in November, 1511, obtained from the Sovereigns Don Fernando and Dona Isabel the distinction for Porto Rico of a coat-of-arms, whose leading features were the lamb of St. John upon a red book, on a rock in the sea. According to this royal concession our shield was more or less faithfully executed. Allow me to recall it now that we are handling a new coat-of-arms "at once heraldically correct and artistically good"—to quote a New York review—from which these old and antiquated features have been banished. The new coat-of-arms has a great flavor of novelty, commercial good taste and up-to-date accuracy of drawing that surpasses the brilliancy of a new bill just issued from the Bureau of Engraving and Printing.*

* Another leading feature of our old seal was the letters "F. I." (Fidelis Insula—Faithful Island), inscribed on the old shield, which were also eliminated from the new one. The impartial student of our history will undoubtedly recognize that, as framers of heraldic attributes, the rulers of Spain at the beginning of the sixteenth century were more successful than our contemporaries. A careful consideration of the main features of our history, even as briefly described as in this article, will prove it. In connection with this observation, I will quote the following words of Mr. Henry H. Carroll: "The unswerving loyalty of Porto Rico to the Crown of Spain, as demonstrated by the truth of history, is no small claim to the confidence and trust of the United States." (Report on the Island of

In 1537, in view of the fact that the system of appointing Governors, either by the Crown or by the Admiral, did not give good results, an elective system was inaugurated in the Island.

The electors were appointed for life, very few in numbers, and the officials chosen were vested with municipal or city functions, with the general political authority and with the administration of justice. This confusion of powers, the short period for which the Governors were elected—a year without re-election—and the limited number of electors, contributed to the failure of this system. It was abandoned seven years afterwards.

At all events, the organization of a political society, if not free from the limitations of the epoch, was fully developed when Samuel Champlain, the father of New France, visited Porto Rico and, with the aspiration of founding a state, raised the white flag over Quebec in the beginning of the next century (1608).*

It will lack something in these historical indications if an homage of admiration was not paid to the venerable Pilgrim who cast anchor at Plymouth in 1620 and, in the name of God and as "loyal subjects of our dread sovereign King James," undertook the glorious enterprise of establishing a political society on the "equal rights" that have constituted until now the basic principle of the American commonwealth.

Porto Rico, Washington, D. C., 1899, page 57.) Although not free from great errors, the report of Mr. Carroll honors its author for the honesty with which he performed his work and the accuracy of his observations on the points on which he could exercise his own judgment, without being misled by circumstances that only a person thoroughly conversant with the history and conditions of the Island could avoid. In the very words quoted, although I fully agree with the observation, I should object to its wording so far as the loyalty is attributed to the "Crown of Spain," because the monarchical sentiment was never very strong in Porto Rico. The people were loyal not to the "Crown," but to a sovereignty that they shared during almost all of their history. If a sentiment of hostility was maintained against the central power for the injustice committed in 1837, it was checked by a sentiment of gratitude and sympathy toward the revolutionists of 1868, and toward the Republicans of 1873, who gave satisfaction to the principal aspirations of the people of the Island.

* "History of the United States of America," Bancroft, Vol. I, page 18.

But, notwithstanding the fact of being the "oldest Americans," as we were called by an American orator, we appear as the youngest to many persons who read of Porto Rico for the first time when they heard of the article of the Treaty of Paris, by virtue of which the neighboring island was annexed, together with certain savage or semi-savage islands of the distant Asiatic seas.*

The language of the treaty establishing distinctions between "Spaniards born in the Peninsula" and "natives of the territories," awakened in some of these persons the idea that Porto Rico, as the Asiatic Islands, was peopled by "natives," who, being of the "West Indies," must necessarily be some race of semi-savage "Indians." They were not in possession of the fact that in the whole Island of Porto Rico there remained, according to the Porto Rican official reports of the epoch, only sixty native Indians in 1543.

It was therefore in that epoch more difficult to find an "Indian" in Porto Rico than it is to-day to chance upon one on the asphalted streets of Boston, Philadelphia or Washington.

But, as I will not speak to you about our extinct Indian aborigines of Porto Rico, allow me to quote concerning them a statement of a historian: "They were," says Fray Inigo Abad, "very dexterous in the throwing of the arrow, but they never used poison on them, as did the Caribbeans,"† (their adversaries in the neighboring islands).

This moral feature of our insular character has been inherited by the people of Porto Rico to such an extent that it has remained as their most prominent trait, even centuries after the disappearance of the arrows. If you forget it you cannot possibly understand our history, nor be able to realize the political peculiarity which distinguishes the Porto Rican people, to wit, a serenity, a love of peace, which is the distinctive feature of the Porto Rican collective psy-

* "Spain cedes to the United States of America the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the Island of Guam, in the Marianas, or Ladrões." Article II of the Treaty of Peace between the United States of America and the Kingdom of Spain.

† Historia de Puerto Rico, por Fray Inigo Abad: Edicion anotada por Acorta. p. 45, Puerto Rico, 1866.

chology. If you forget it, you will unavoidably fall into the same error as the official historian, according to whom the history of Porto Rico "presents but few points of interest as compared with Cuba or the other colonies of Spain in this hemisphere." (War Department Report of the Director of the Census of Porto Rico, 1899, page 13.)

From a strictly military standpoint this statement is probably correct.

With the exception of the attack on San Juan, in the year 1625, by a Dutch fleet, which, after a siege of twenty-eight days, was forced to withdraw with considerable loss, and also an attempt by the French in the following year, which was also repulsed; and still another attack directed by Lord Ralph Abercrombie, in 1797, equally unsuccessful—there have been no military events in the history of the Island. In the matter of sanguinary glories the Porto Rican people have only enough to prove that they possess the manly qualities necessary to defend their country against foreign invasions, and that these qualities are not incompatible with the love of peace.

Therefore, if history is to be appreciated as a chain of military achievements, the War Department Report is right, and the history of Porto Rico "presents but few points of interest," especially if compared with that of Cuba. One fact is sufficient to prove this. The people of Cuba maintained a war for ten years (from 1868 to 1878), in which many individual feats were performed, great sufferings endured, thousands of precious and worthy lives lost, an immense amount of property destroyed, and about \$300,000,000 wasted, to obtain through the "treaty" or "capitulation" of Zanjón the same "greater" "civil, political, and administrative privileges" to the people, that Porto Rico had formerly obtained without shedding a drop of human blood.*

But considering the history of Porto Rico in a broader sense, and in order to characterize it, I will translate from a Cuban writer the following paragraph:

* The quoted words are from the Report of the Census of Cuba, 1899, chapter dedicated to "History," p. 37. Published by the same department and probably written by the same historian.

"It is undeniable that the history of Puerto Rico," says Don Juan Gualberto Gomez,* "does not offer any attraction for those superficial spirits that are impressed only by the spectacle of animated pictures of gaudy color and of tumultuous scenes. With the exception of the agitated epoch of the conquest, and the periods of English and Dutch invasions, very seldom has blood sprung under the sharp edge of the sword and amid the roaring of the gun. But the life of a people is not confined to warlike undertakings. On the contrary, it can be said that the new direction that the anthropological and social sciences have indicated to historical studies, relegates to a second place the investigations upon martial achievements that were in the past the only incentive of the narrations calculated to recall the memory of a people. Hence, notwithstanding the relative lack of noisy episodes in the history of the antique Borinquen (the Indian name for Porto Rico), undoubtedly it would be interesting to all those who look at things with a high criterion, with greatness of soul, and philosophic spirit. To contemplate how a society transforms itself almost entirely by its own effort, and adopting the evolutionary methods, affirms every day with greater vigor its right to life, honor, and liberty, must always be a profitable study and a touching spectacle for all those who think, observe, and appeal to the intelligence and judgment, to demonstrate the reality of progress and the possibility of just revindications by the virtue and the intrinsic kindness of the ideas."

As I will not dwell on historical disquisitions, in order to give you an idea of our political status at the beginning of our history, I will only quote the words employed by Don Jose Julian Acosta to describe our legislation at the time. He affirms that with the exception of the law on the admission of foreigners, "the Spain of the sixteenth century transplanted herself to this side of the Atlantic."† And to determine the status of the Porto Ricans in those early days of our political society, I will cite only (the Royal Decree dated Nov. 24, 1688,) by which the Porto Ricans, like other civilized Spanish Americans, should "enjoy the same honors and prerogatives as the native-born in Castile, as has been practiced without discussion, having obtained all kinds of positions and dignities," to quote literally that law.

* "La Isla de Puerto Rico, bosquejo historico," per Don Juan Gualberto Gomez y Don A. Sendras Burin.—Madrid, 1891, p. 2.

† Notas a la "Historia de Puerto Rico," de Fr. Inigo Abad.

When, in the dawn of the nineteenth century, the new ideas of liberty and justice—which produced the Declaration of Independence, the Constitution of the United States, and the “Declaration des droits de l’homme” of the French Revolution—reached Spain in 1808, we find Porto Rico sharing the glorious human labor. The Supreme Central Board (La Suprema Junta Central), governing Spain, convened the Constituent Convention, known as the “Cortes de Cadiz.” The representation of Porto Rico was also convened because, according to the language of the decree, the Island was not properly a “colony” or a “factory,” “as those of other nations,” but an “essential and integral part of the Spanish Monarchy.” The Island elected to represent her in that famous “Cortes,” one of her sons, Ramon Power, who proved to be one of the most prominent members of that illustrious body, being chosen its vice-president. Of the work done by the “Cortes of Cadiz,” I will only say that it abolished the Inquisition; the prerogatives of the aristocracy—known in the Spanish laws as “*Senorios y Mayorazgos*”—and guaranteed individual rights.

I cannot resist the temptation to translate the first articles of that Constitution framed under the shields of the soldiers of Napoleon in the besieged city. By the first article the Spanish Nation is defined as “the reunion of the Spaniards of *both hemispheres*.” Article II declares that “the Spanish Nation is free and independent, and is not, and cannot be, the patrimony of any family or person.” Article III states that “the sovereignty resides essentially in the nation, and, therefore, to this (the nation) belongs exclusively the right to establish her fundamental laws.” Article IV stipulates that “the nation is obliged to keep and protect, by prudent, just laws, civil liberty, property, and all other legal rights of the individuals who compose it.”

Since then Porto Rico partook of the fate of the other Spanish provinces as to its fundamental political status.

The constitutional and liberal periods in Spain at that time were short. In 1814 the Constitution was abolished by Ferdinand VII. In 1820 he accepted it anew. The Cortes was convened; Porto Rico was represented in it, and in 1823 the reaction reigned again.

The "Estatuto Real" of 1834, which was a kind of constitutional charter granted by the Queen Regent, was also extended to Porto Rico. But in the Cortes of 1837 a bill was introduced providing that Cuba and Porto Rico were to be governed by exclusive legislation and depriving them of representation in the National Congress. In a membership of 155 representatives, a majority of 25 votes authorized the enactment of the bill. That was the greatest error of Spain in her policy toward the Antilles. The 25 majority votes legalizing the injustice practically undermined the integrity of the Spanish Nation, and primarily caused the bloody contests in Cuba that recently ended with the Treaty of Paris. In the discussion of the bill its far-reaching effects were clearly foreseen by some of the representatives who opposed the measure. One of them, Señor Nuñez, especially insisted on the rational influence of the "seductive" example for the inhabitants of the Antilles, of New Orleans and New York, with which they were in close contact. Then Porto Rico, like Cuba, awaiting this "exclusive legislation," remained under the "Laws of Indies and the Royal ^{orders} ~~rules~~ and Decrees" enacted for them. The municipalities lost their old prerogatives and became bodies merely vested with faculties to propose to the "superiority" the measures that the Governor approved or not, according to his own judgment. Nevertheless, it is not exact that the Governors could not be held responsible for their acts, because they had to account for the manner in which they used their powers in the kind of trial called "Juicio de Residencia," to which they were subject.

This period, from 1837 to 1868, is, perhaps, in the history of Porto Rico the one which proves better the high political sense of the people. The Porto Rican leaders clearly understood that independence was not synonymous with liberty, and practically demonstrated their faith in the power of the ideas. They concentrated the public attention on the great social question that they thought was the first to be settled—the abolition of slavery. They were so energetic in the diffusion of the truth, some years afterward happily formulated by our great Lincoln, that "a people cannot be half free and half slave," that in every home they created a strong sentiment for the immediate abolition of slavery. Secret societies were formed to free the slaves.

The first of these was organized in the city of Mayagüez. The members paid their contributions secretly, and Dr. Betances, its founder, bought with these contributions, children just born in slavery and freed them. The work for emancipation was general throughout the Island. In Spain one of the Porto Ricans, Julio Vizcarrondo, founded a society for the abolition of slavery (*Sociedad Abolitionista*), which held public meetings and profusely circulated literature on the subject. Thus when the abolition of slavery was officially accomplished through the efforts of the people it was in fact abolished to such an extent that only about 31,000 slaves remained, out of a total colored population of 257,709.

This does not mean that in Porto Rico the need of other political reforms was not greatly felt and that they were not earnestly sought. The prophecy of the representative in the Cortes of 1837, to which I have alluded, began to haunt the Spanish authorities. In a reserved communication of the Governor of the Island to the Secretary of War and "Ultramar," dated January 14, 1862, referring to two of the leading men of the preceding generation—Baldoriotto Castro and Acosta—he accused them of their "Yankee ideas," of their "democratic tendencies through which the youth, fascinated by the new American school, born and nourished in the United States, are irresistibly drawn."

In 1865 the Secretary of Ultramar (of Colonies), then Mr. Canovas del Castillo, acknowledging that the commercial, literary, and social development of the Antilles, required another law than those of the Philippines or Fernando Po, convened a meeting of representatives of Porto Rico and Cuba to prepare the "exclusive legislation" to which the Constitution referred. Three out of the four commissioners sent by the Island, echoing the sentiments of the people, asked the immediate abolition of slavery, "with indemnification to the owners of the slaves," or "without it." In the discussions of that Board of Information those representatives of Cuba who were in sympathy with abolition, congratulated the commissioners from Porto Rico on account of the condition of the people of the Island which allowed them to take that position. If you take into consideration the circumstances surrounding these three men; if you remember that

in the United States the great Lincoln, three years before (1863), recommended "a gradual abolition, with indemnification to the owners," you will duly appreciate the civic spirit and moral courage of these three Porto Ricans. Castelar, the great Spanish orator and statesman, said, in his discourse delivered in the Congress on June 20, 1870: "The Commissioners from Porto Rico made a report that shall be their honor, their glory; a report that in the future will be placed beside the Declaration of the Rights of Man on the 4th of August, 1879." And again: "Allow me, gentlemen, to consecrate to those illustrious men a eulogy in which every member of the assembly will unite. Since the renunciation by the feudal lords of their privileges in the French Constituent Convention such a sublime abnegation has not been seen. The colonial lordship does not offer in any part of the world such an example."

The end of this period was marked by the deportation from Porto Rico of citizens of the Island sent to Madrid "to receive orders from the Government." The Governors were not hindered in taking this despotic measure, because at that time the central Government of Madrid banished to Porto Rico the citizens of the capital who were not "persona grata" in the court of Spain. In that way they sent, for instance, to Porto Rico a famous poet who wrote a sonnet against the Queen of Spain.

The revolution in Spain in 1868 ended that period. The Revolutionary Board of Madrid enacted a declaration according to which all the children born of a slave woman after September 19, of that year, were free. A decree of December 14, of the same year, convened to the National Congress the Representatives of Porto Rico and a new political life was opened for the Island. Two political parties were organized. The Liberal-Reformist, advocating reforms of a democratic nature, asked for the extension of the same democratic laws passed for the Spanish Peninsula, among them the trial by jury. The Conservative, mainly composed of Spaniards, advocated the "status quo."

Since then both parties have divided public opinion in Porto Rico until the recent American occupation. They could change the name and modify the principles, but the fundamental characteristic position of both remained the

same. In the revolutionary period of 1868 the Liberal party obtained sweeping victories. Section 1 of the Constitution of 1869, which guaranteed civil liberties, was promulgated in Porto Rico. Provincial and municipal laws of a liberal character were passed (1870), and slavery was abolished. There was, also, promulgated in the Island an electoral law which recognized the vote of those who were able to read and write, or who could pay any contribution whatever to the state, provincial or municipal treasuries of the Island. The Island of Porto Rico thus became organized, so far as to her participation in the national sovereignty, as an equal of the other provinces of Spain. She sent to the National Congress her representatives, whose number increased from eleven in 1868, to sixteen members of the House and four Senators at the last election, March, 1898. The contribution necessary to be an elector was also changed from any sum to \$25 a year, and afterwards was decreased to \$10 and \$5.

When the restoration of the Bourbons took place in Spain the Constitution of 1876 was promulgated and extended to Porto Rico. In 1887 the majority of the members of the Liberal party formed the Autonomist party. Its tenets were incorporated in the decree establishing self-government for the Island of Porto Rico, and in the decree extending to Porto Rico the right of suffrage to all male citizens (November 25, 1897).

The main features of this law were the establishment of a parliamentary autonomic system. The legislative power as to the insular matters was vested in the insular chambers conjointly with the Governor-General. The insular representation consisted of two bodies of equal powers—the insular Senate (called Council of Administration) and the Chamber of Representatives. The Senate was similar to the Spanish Senate. A part of it (seventeen of its members) were appointed by the Governor, acting for the Crown, and another part (eighteen) were elected. Among the qualifications required by the law to be entitled to sit in the Council, one was to have been born in the Island or to have had four years' constant residence therein, and other restrictions excluded from that body persons not conversant with the needs, customs, and character of the people.

The Governor assumed a double character. He was the representative of the national government and the head of the administration of the colony. Acting in this last capacity no executive order of his was valid unless authorized by a Secretary of his Cabinet, who was to be responsible for it before the local Legislature.

The veto conferred on the Governor was limited as follows by the Constitution:

"Whenever, in the judgment of the Governor-General, an act of the insular parliament goes beyond its powers or impairs the rights of the citizens as set forth in Article I of the Constitution, or curtails the guarantees prescribed by law for the exercise of said rights, or jeopardizes the interest of the colony or of the nation, he shall forward the act to the Council of Ministers of the Kingdom, which, within a period that shall not exceed two months, shall either assent to it or return it to the Governor-General with the objections to its sanction and proclamation. The insular parliament may, in view of the objections, reconsider or modify the act, if it deems fit, without a special proposition.

"If two months shall elapse without the Central Government giving any opinion as to the measure agreed upon by the Chambers and transmitted to it by the Governor-General, the latter shall sanction and proclaim the same." *

The veto was, therefore, of a suspensive nature, and to become operative it needed the approval of the National Cabinet. This Cabinet, being a parliamentary government, was responsible to the National Congress. In the Congress Porto Rico was represented, as has been stated, by sixteen Representatives and four Senators, with equal rights and privileges to those of the other provinces, who were enabled by questions and interpellations to investigate the acts of the National Cabinet, and to charge the responsibility for their acts to the members of the Council of Ministers of the Kingdom.

The Island, which had a greater autonomy than the continental provinces of Spain, especially in economic matters, received with the Constitution establishing self-government the power vested in the insular parliament by Article 39 "to

*Article XLIII of the "Constitution Establishing Self-Government in the Islands of Cuba and Porto Rico"—translation. Division of Insular Affairs, War Department, Washington, D. C., 1899.

frame the tariffs and fix the duties to be paid on merchandise, as well as for its importation into the territory of the Island, as for the exportation thereof." By this article the power was given to Porto Rico to tax the products of Spain.

Such was, in its fundamental features, the political status of Porto Rico on the memorable day, October 18, 1898, when Old Glory, symbolizing American institutions, was raised in Porto Rico; and on that solemn occasion, when that valiant soldier, honest man, and beloved Governor, General Guy V. Henry, before the enthusiastic Mayor and citizens of Ponce declared that:

"The forty-five States represented by the stars emblazoned in the blue field of that flag unite in vouchsafing to you prosperity and protection as citizens of the American Union."

The Porto Rican people have clearly understood that by its geographical position, as well as by its history, the Island is, in fact, an integral part of the American Union. For this reason the political parties of the Island inscribed in their respective platforms the unanimous aspiration of the people to become an organized territory, with the certainty of soon being admitted as a State of the American Union.

The United States cannot fully perform the duties imposed upon it by the Monroe Doctrine, any more than it can completely guarantee its own safety, without what John Adams termed its "natural appendage." The American flag can perhaps be lowered in the distant Philippines. It must be maintained in the neighboring Island, with the institutions of liberty and justice that it represents.

"Give us a chance, and we will prove to what extent we are able to perform our political duties;" that is what the Porto Rican people ask. They trust in the spirit of justice and honor of the people represented by the generals of the army, as Miles and Henry, whom they received with a hearty welcome as the heralds of the principles that form the pride and glory of every American here, and in the entire world, of every man who has been uplifted to the consciousness of his civic human dignity by the proclamation made through the Declaration of Independence that mankind has reached its majority.

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